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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,895	07/07/2000	Paul Szucs	450117- 02741	8156

20999 7590 01/30/2004  
FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER
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PATEL, NITIN C

ART UNIT	PAPER NUMBER
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2116

16

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/611,895

**Applicant(s)**

SZUCS ET AL.

**Examiner**

Nitin C. Patel

**Art Unit**

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

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**DETAILED ACTION**

1. This is in responsive to RCE filed on December 19, 2003.
2. Claims 17 – 35 are presented for the examination.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17 – 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul et al. [hereinafter as Paul], European patent application EP 0917355 A1 [cited by applicant in IDS paper # 6], and further in view of Yasuda et al. [hereinafter as Yasuda], US Patent 5,949,792 [cited in previous action].
5. As to claim 17, Yasuda teaches the apparatus and method for recording/storing transport streams of data comprising the steps of: receiving a first transport stream [audio stream] from a first reproducing device [audio reproducing device is inherent to audio transport stream] and receiving a second transport stream [video stream] from a second reproducing device [camera] substantially simultaneously with the reception of the first transport stream, wherein first and second devices are separate and independent from each other [col.7, lines 8 – 17, 65 – 67, col. 8, lines 1 – 61, col. 10, lines 36 - 51]; dividing each of the first and second transport streams into packets [packetizing units packetize the transport streams into packets, col. 5, lines 57 – 59, col. 9, lines 1 – 14, fig. 2, 3, and 7]; assigning a recording header [packet header] to each packet [col. 2, lines 61 – 67, fig. 2B]; generating a series of partial transport streams [GOP, group of pictures] from the recording headers and the packets [col. 7, lines 31 – 52, fig. 9]; combining the series of partial transport streams to form a combined transport [program stream] stream [col. 10, lines 3 – 33, fig.9H, and 9I]; and recording/storing the combined transport stream [col.6, lines 17

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– 34, col. 10, lines 25 – 50, col. 11, lines 29 – 61, fig.5]. However, Yasuda does not disclose that the separate and independent reproducing devices are located in a home network. In summary, Yasuda does not teach interface for application in the home network.

Paul teaches a system and method for distribution of transport streams [MPEG-2] of data on IEEE 1394-based home network with HN [home network] interface with HN TS [transport stream] processor which can either combine several services from incoming MPEG-2 transport streams into one valid MPEG-2 partial transport stream or into separate ones [col. 3, lines 28 – 42, col. 10, lines 6 – 33, fig. 6, 11, 12].

It would have been an obvious to one of an ordinary skill in art at the time of invention to combine the teachings of Yasuda for recording/storing the digital signal with Paul's teachings because Paul's method of distribution of MPEG-2 transport streams on IEEE 1394 based home network is able to support more than one concurrent connection and provide data for each connection in a separate isochronous channel in an IEEE 1394-based home network [col. 2, lines 17 – 20] and any number of services can be added to the partial transport stream [col. 8, lines 10 – 11].

6. As to claim 18, Yasuda discloses that the combined transport stream [program stream] is recorded at a single recording medium [col. 6, lines 17 – 19].

7. As to claim 19, Yasuda discloses the receiving of transport streams from three or more separate and independent reproducing devices substantially simultaneously with each other [col. 7, lines 65 – 67, fig. 5].

8. As to claim 20, Yasuda discloses the use of predetermined clock [system clock reference] and/or to temporal relationships [timestamps, DTS and PTS] of the transport streams [col. 2, lines 31 – 49, col. 8, lines 1 – 36].

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9. As to claim 21, Paul discloses distribution of MPEG-2 transport streams on i.link/IEEE 1394-based network bus and/or interface [col.11, lines 35 – 37, col. 12, lines 54 – 56, col. 14, lines 7 – 9, fig. 8, 9, 11, and 12].

10. As to claim 22, Yasuda discloses use of system clock reference, which is inherently a constant frequency clock.

11. As to claim 23, Paul discloses the use of IEEE 1394 bus protocol therefore, he teaches the use of a bus cycle as a clock cycle.

12. As to claim 24, Yasuda discloses a heading cycle start [entry point] indicating section for indicating the beginning of a new clock cycle and a new recorded/stored partial transport stream [fig. 3A, 3B, and 3C].

13. As to claims 25, Yasuda teaches multiplexing of received transport streams, in particular from isochronous [independent] channels [col. 9, lines 13 – 15, col. 10, lines 25 – 50].

14. As to claims 26 – 27, Yasuda teaches multiplexing of transport streams from independent channels and use of presentation time stamp [PTS] and decoding time stamp [DTS][col. 2, lines 31 – 33, col. 7, lines 55 – 63, col. 10, lines 43 – 45].

15. As to claims 28, Yasuda discloses use of buffer to store the received transport stream [col. 7, lines 41 – 53, col. 8, lines 55 – 61, col. 9, lines 15 - 24].

16. As to claim 29, Yasuda teaches to receive video and/or audio data [fig. 5].

17. As to claim 30, Yasuda teaches MPEG1 and MPEG2, therefore he discloses the compressed or compactified format too [col. 2, lines 58 – 67].

18. As to claim 31, Yasuda teaches to store the received transport streams as series of partial streams to physical storage media device selected from one of a magnetic tape, optical, magnetic, or magneto-optical disc devices [col. 1, lines 14 – 17, fig.9H, 9I].

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19. As to claims 31 – 34, Yasuda teaches method and apparatus for encoding a digital signal, recording medium used for digital signal, and method for transmitting digital signal including detecting size of access units [col. 6, lines 17 – 34], therefore, he discloses the detection of bandwidth available, and decision making steps for termination or proceed based on detection of available bandwidths too.

20. As to claim 35, Yasuda teaches a read-out device [10, fig. 1] therefore, he discloses the provision of playback mode for playing back previously recorded transport stream too [col. 3, lines 34 – 43].

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 703-305-3994. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nitin C. Patel  
January 21, 2004

*Dennis M. Butler*  
**Dennis M. Butler**  
**Primary Examiner**